

# **Malibu City Council** **Regular Meeting Agenda**

**Monday, October 14, 2002**

**5:30 P.M. - CLOSED SESSION**  
**City Hall - Large Conference Room**  
**23815 Stuart Ranch Road**

**6:30 P.M. - REGULAR CITY COUNCIL MEETING**  
**HRL Auditorium**  
**3011 Malibu Canyon Road**

**Five-thirty p.m. Closed Session**

*This time has been set aside for the City Council to meet in a closed session to discuss matters pertaining to existing litigation pursuant to Government Code Section 54956.9(a), 54956.9(c), 54957, 54956.8 and 54956.9(b). The City Attorney will give an additional oral report regarding the closed session at the beginning of the next regular City Council meeting.*

**Existing litigation per Government Code Section 54956.9 (a):**

1. Antario v. City of Malibu  
Los Angeles County Superior Court Case No. BC253990
2. Brown v. City of Malibu  
Ventura County Superior Court Case No. CIV212554
3. Cher v. City of Malibu  
Los Angeles County Superior Court Case No. SS10632
4. Chicksands Properties LTD. v. City of Malibu et al.  
Los Angeles County Superior Court Case No. BS072081
5. City of Malibu v. California Coastal Commission  
Los Angeles County Superior Court Case No. BC230410
6. City of Malibu v. Santa Monica Mountains Conservancy (Streisand Center)  
Ventura County Superior Court Case No. CIV193900
7. Coffman v. City of Malibu  
Los Angeles County Superior Court Case No. BC246067
8. Darian v. Accent Builders et al.  
United States District Court Case No. 00-10255-FMC(JWJ)
9. Keach v. City of Malibu  
Los Angeles County Superior Court Case No. SS009723

10. Levenson v. City of Malibu et al.  
Los Angeles County Superior Court Case No. SC059037
11. Marine Forest Society v. California Coastal Commission Case No. 00AS00567 (Sacramento Superior Court) (Amicus)
12. Nese v. City of Malibu  
Los Angeles County Superior Court Case No. SC070775
13. Rubens v. City of Malibu  
Los Angeles County Superior Court Case No. SC060331
14. Sierra Club v. City of Malibu  
Los Angeles County Superior Court Case No. BS064912
15. Silver v. City of Malibu  
Los Angeles County Superior Court Case No. BC255025
16. Sprint v. City of Malibu et al  
United States District Court Case No. SACV02660 DOC (MLGx)
17. Taxpayers for Livable Communities; Jay Liebig v. City of Malibu  
Los Angeles County Superior Court Case No. BC258432
18. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu  
Los Angeles County Superior Court Case No. BS0735585
19. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu  
Los Angeles County Superior Court Case No. BS072794

**Initiation of Litigation pursuant to Government Code Section 54956.9(c):**

20. Number of cases: 2

**Personnel matters pursuant to Government Code Section 54957:**

21. Public Employee Performance Evaluation  
Title: City Treasurer

**Conference With Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(b):**

22. Number of Cases: 1

**Six-thirty p.m. Regular Session**

*Public Hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.*

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda – October 4, 2002

**1. Ceremonial/Presentations**

- A. Commendation to the Malibu Summer Beach Team
- B. Introduction of Assistant Fire Chief Paul Schuster and Presentation on Wildfire Preparedness
- C. Proclamation Declaring October as Fire Prevention Month 2002 – “Team Up for Fire Safety”

**2. Written and Oral Communications from the Public**

- A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda. (The Council will allow public comments on the Malibu Local Coastal Program (LCP) certified by the California Coastal Commission on September 13, 2002, although response from the Council may not occur until the Agenda Item is heard.)
- B. City Council Subcommittee reports/Mayor and Councilmember reports and inquiries.

**3. Consent Calendar**

- A. Previously Discussed Items
  - 1. Second Reading and Adoption of Ordinance No. 239 Adopting the City’s Personnel System and Amending the Municipal Code

Staff recommendation: Conduct second reading, unless waived, and adopt Ordinance No. 239.

Staff contact: City Clerk Pope, 456-2489 ext. 228

B. New Items1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff contact: City Attorney Hogin, 456-2489 ext. 228

2. Approve Warrants

Staff recommendation: 1) To allow and approve warrant demand numbers 20208 through 20362 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 270 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$1,018,581.63 including ADP payroll voucher numbers 22554377-4390.

Staff contact: Administrative Services Director James, 456-2489 ext. 224

3. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon

As a result of the rainstorms in early March 2001, landslides impaired Corral Canyon Road, forcing its partial closure and creating a condition dangerous to the public health and safety. This action would extend the state of local emergency declared as the City responds to the situation and attempts to repair the area.

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

Staff contact: City Manager Lichtig, 456-2489 ext. 226

4. Approval of Minutes

Staff recommendation: Approve City Council meeting minutes for the regular meetings held on September 9, 2002 and September 23, 2002.

Staff contact: City Clerk Pope, 456-2489 ext. 228

5. Resolution Supporting Proposition 47, Kindergarten – University Public Facilities Bond Act of 2002

The Santa Monica – Malibu Unified School District Board has requested that the City support Proposition 47. If passed, the proposition will provide \$13 billion in facilities and maintenance bonds for California's public schools, colleges and universities. Proposition 47 will provide matching funds to those districts that have already or will soon pass local school construction bond measures.

Staff recommendation: Adopt Resolution No. 02-45 supporting the November 5, 2002 Election Proposition 47, Kindergarten – University Public Facilities Bond Act of 2002.

Staff contact: City Clerk Pope, 456-2489 ext. 228

6. Modification of Use of CLEEP Funds

In June, the City Council approved a list of items to be purchased for use by the Sheriff's Department with funds from the California Law Enforcement Equipment Program (CLEEP) grant. The Sheriff Department is requesting an amendment to the list.

Staff recommendation: Authorize the Sheriff's Department's modified recommendations for use of the California Law Enforcement Equipment Program (CLEEP) grant funds for fiscal year 2001-2002.

Staff contact: Administrative Services Director James, 456-2489 ext. 224

**4. Ordinances and Public Hearings**

*This portion of the agenda is for ordinances and for advertised hearing items where formal public testimony on each item is received prior to City Council action; the public hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.*

**A. Zone Text Amendment 02-002 – Commercial Landscaping and Open Space (City Council Initiated)**

The proposed zoning text amendment will modify the commercial development standards for landscape and open space. City Staff is recommending continuation of this item to a date uncertain in order to assess the impact of the recently adopted Local Coastal Program on the proposed amendment.

Staff recommendation: Continue to a date uncertain.

Staff contact: Planning Director Purvis, 456-2489 ext. 243

**B. Triennial Model Code Adoption - Adopting the 2001 California Building Standards Code by Reference, Pursuant to Government code Section 50022.2, the California Building Standards Code (Title 26 Los Angeles County), the California Electrical Code (Title 27 Los Angeles County Electrical Code), the California Plumbing Code (Title 28 Los Angeles County Plumbing Code), the California Mechanical Code (Title 29 Los Angeles County Mechanical Code), the California Fire Code (Title 32 Los Angeles County Fire Code), and Adopting Local Amendments Thereto**

Presentation by staff for Council consideration of the current model codes (Building, Plumbing, Electrical, Mechanical and Fire) as adopted by the State and as further amended by Los Angeles County and the City of Malibu. All amendments are reasonably necessary because of local climatic, geological or topographical conditions.

Staff recommendation: 1.) Adopt Ordinance No. 242U, adopting the 2001 California building Standards Code by Reference and declaring the urgency thereof; 2.) After City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 242, Adopting the 2001 California Building Standards Code by Reference; and 3.) Direct staff to schedule second reading and adoption of Ordinance No. 242 on October 28, 2002.

Staff contact: Building Official Peterson, 456-2489 ext. 251

C. Building Safety Fees

The City has conducted an analysis of the current fees for Building Safety services and has found that adjustments are warranted to recover the cost of providing such services.

Staff recommendation: 1.) Conduct the public hearing, and 2.) Adopt Resolution No. 02-41 Establishing Fees and Charges for Building Safety Services and Repealing Resolution Nos. 91-67, 93-141 and 93-175.

Staff contact: Administrative Services Director James, 456-2489 ext. 224

5. Old Business

A. Local Coastal Plan (LCP) – Discussion Pertaining to Local Coastal Program Local Implementation Plan

Staff recommendation: Consider the issues presented in this report and provide direction to staff.

Staff contact: Planning Director Purvis, 456-2489 ext. 243

6. New Business

7. Council Items

A. Appointment by Councilmember House to the Malibu Planning Commission

Councilmember House's appointment, Ed Lipnick, resigned from the Planning Commission effective September 30, 2002. A special vacancy notice was posted pursuant to Government Code Section 54974 on September 30, 2002. Councilmember House may make her appointment at this time.

Recommendation: Councilmember House to make an appointment to the Malibu Planning Commission.

Staff contact: City Clerk Pope, 456-2489 ext. 228

Adjournment

**Future Meetings**

Mon., October 28, 2002	6:30 p.m.	Regular City Council Meeting	Location to be Determined
Wed., October 30, 2002	6:30 p.m.	Quarterly City Council Meeting	City Hall

### **Guide to the City Council Proceedings**

**The Oral Communication** portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the City Council. No action may be taken under this section except to direct staff unless the Council, by a two-thirds vote, determines that the need to take action arose after the posting of the agenda or that the item presents an emergency situation for which action is required prior to the next regularly scheduled meeting of the City Council. Although no action may be taken on these non agenda items, the Council and staff will follow up on those items needing response. Each speaker is limited to (3) three minutes. Time may be surrendered by deferring (1) one minute to another speaker, on the same item, not to exceed a total of (8) eight minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available at the Chamber doors). Speakers are taken in the order slips are submitted.

**Items in Consent Calendar Section A** have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

**Items in Consent Calendar Section B** have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from Consent Calendar will be taken up by the Council following the action on the consent calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers are limited to (3) three minutes each. If a speaker slip is submitted late the speaker's time will be limited to (2) minutes. If more than 10 speaker slips are submitted each speaker's time will be limited to (2) two minutes each.

**Items set for Public Hearing** commence at 7:30 p.m. or as soon thereafter as practicable. At that time the City Council will stop its other proceedings and move directly to Public Hearing items. At the conclusion of Public Hearings the City Council will continue the agenda where it left off. For Public Hearings involving zoning matters the appellant will be given 15 minutes to present their position to the City Council, including rebuttal time. All other testimony shall be limited to (3) three minutes per person and follow the rules as set forth under Oral Communication.

**Items in Old Business** are items which have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

**Items in New Business** are items which are appearing for the first time for formal action. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

**City Council Items** are items which individual members of the City Council may bring up in terms of reporting to other members of the City Council, to propose future agenda items or to suggest future staff assignments. Items discussed under City Council Items follow the same rules as set forth under Oral Communications in terms of the actions the City Council may take on any item brought up under this portion of the agenda. Each Councilmember's oral item presentations are limited to four minutes. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

*City Council meetings are aired on City of Malibu Government Access Channel 3. Broadcasts on Channel 3 occur at 8:00 a.m. and 8:00 p.m. Monday, Wednesday and Friday, Tuesday and Thursday at 8:00 p.m., and at 2:00 p.m. on both Saturday and Sundays. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23815 Stuart Ranch Road, Malibu, California and are available for public inspection during regular office hours which are 8:30 a.m. to 5:00 p.m., Monday through Friday. Copies of staff reports may be purchased for \$0.10 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Malibu City Offices, Malibu Community Center at Point Dume and Malibu Community Library. The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Building & Safety Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]*

*I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 4<sup>th</sup> day of October 2002.*

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*Lisa Pope, City Clerk*